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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,874	10/22/2001	Akihiko Hamamura	110924	7497

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EXAMINER

CHO, UN C

ART UNIT PAPER NUMBER

2617

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,874

Applicant(s)

HAMAMURA, AKIHIKO

Examiner

Un C. Cho

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 18, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 8-10 and 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 8, 9 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Geva (US 6,366,871 B1).

Regarding claim 8, Geva discloses a wireless communication unit (Fig. 1, 12), comprising: an interface portion signally connected to a connector of a main device (physiological data input devices are connected by a wire to a terminus (Fig. 1, 18; interface); Geva: Col. 5, lines 37 – 42); a wireless communication portion performing wireless communication (radio subsystem (Fig. 2B 500); Geva: Col. 7, lines 16 – 25); and a control portion (control subsystem (Fig. 2B, 600)) having a function of acquiring information to be recorded from the main

device through the interface portion (information is gathered from the physiological data input devices and inputted to a monitoring device through a terminus; Geva: Col. 5, lines 37 – 42) and a function of transmitting the acquired information through the wireless communication portion to an external destination (when the user activates an event recording mode, data is recorded in an area of RAM memory that is write-protected so that the recorded data is not overwritten; Geva: Col. 9, lines 42 – 49), wherein the control portion selects the information that is to be transmitted based on predetermined attribute information that is associated with the information and transmits the selected information through the wireless communication portion to the external destination (data stored in RAM memory may be transmitted immediately or at a later time to a central medical monitoring station and also the event recording mode can transmit information either at the beginning, during or at the conclusion of the testing; Geva: Col. 8, lines 21 – 27 and Col. 9, lines 14 – 30).

Regarding claim 9, Geva as applied above discloses wherein said attribute information in implying write-protect (Geva: Col. 9, lines 30 – 63).

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geva.

Regarding claim 10, Geva discloses a wireless communication unit, comprising an interface portion signally connectable to a connector of a main device, the connector being dedicated to a recording-medium (physiological data input devices (main device) are connected by a wire to a terminus (Fig. 1, 18; interface); Geva, Col. 5, lines 37 – 42); a wireless communication portion performing wireless communication (radio subsystem (Fig. 2B, 500); Geva, Col. 7, lines 16 – 25); and a control portion (control subsystem (Fig. 2B, 600)) having a function of acquiring information to be recorded from the main device while imitating a recording operation done on the main device through the interface portion (information is gathered from the physiological data input devices and inputted to a monitoring device through a terminus; Geva, Col. 5, lines 37 – 42) and a function of transmitting the acquired information through the wireless communication portion to an external destination (Geva, Col. 7, lines 16 – 25). Even though, Geva as applied above does not specifically disclose wherein the control portion prohibits power supply from the main device to the wireless communication unit from being stopped by imitating the recording operation done by the main device through the interface, while performing wireless communication with the wireless communication portion. It would have obvious to one of ordinary skill in the art to take preventive measures so as to prevent

power failure while transmitting data during wireless communication so that the transmitted information is not corrupted when it gets to an external device.

5. Claims 15 – 17 and 19 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geva in view of Fukuoka (US 6,300,976 B1).

Regarding claim 15, Geva as applied above does not specifically disclose wherein the predetermined attribute information is information regarding a folder in which the information is stored. In an analogous art, Fukuoka remedies the deficiencies of Geva by disclosing such limitation in Col. 7, lines 17 – 37 and Fig. 9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Fukuoka to the system of Geva in order to provide a more flexible and efficient electronic communication device that is compatible with electronic cameras.

Regarding claim 16, Geva in view of Fukuoka as applied above discloses wherein the control portion transmits the selected information to the external destination specified by the folder (Fukuoka: Col. 7, lines 17 – 65), through the wireless communication portion (Fukuoka: Col. 3, lines 33 – 37).

Regarding claim 17, Geva in view of Fukuoka as applied above discloses wherein the connector of the main device is shaped so as to enable attachment of a detachable recording medium (Fig. 3, 17 and 15).

Regarding claim 19, Geva in view of Fukuoka as applied above discloses wherein the connector portion includes a power line by which power is supplied to the wireless communication unit from the main device (it would have been obvious to one of ordinary skill in the art at the time the invention was made that the main device is the provider of power to any device that attaches to it, which Fukuoka clearly discloses the I/O card being attached to the camera and the I/O card obviously receives power from the camera).

Regarding claims 20 and 21, the claims are interpreted and rejected for the same reason as set forth in claim 19.

Allowable Subject Matter

6. Claims 6, 18, 22 and 23 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter:

Applicant's invention is drawn to a wireless communication unit capable of being readily fitted to a main device to be used as a recording-medium as well as for performing wireless communication.

Applicant's independent claim 6 recites, *inter alia*, a stand-alone wireless communication unit with a structure as defined in the specification (pages 10 – 17) including an interface portion signally connectable to a main device, the interface portion including a connector portion having a shape that mimics a shape of a removable memory-medium-device, the connector portion being

receivable by and connectable to a memory-medium-device-receiving-portion of the main device also having a recording portion, a wireless communication portion and a control portion transmitting information through the wireless communication portion to an external destination and generating a backup of the information in the recording portion, the information being inputted from the main device to the control portion through the interface portion, wherein the control portion automatically deletes the backup from the recording portion after transmission of the information in the wireless communication portion is normally terminated, when the control portion generates a the backup of the information in the recording portion. Applicant's independent claim 6 comprises a particular combination of element, which is neither taught nor suggested by the prior art.

Regarding claim 22, the claim is interpreted and allowed for the same reason as set forth in claim 6.

Accordingly, applicant's claims 6, 18, 22 and 23 are allowed for these reasons and for the reasons recited by applicant in the amendment filed on 6/21/2006.

Response to Arguments

8. Applicant's arguments filed 6/21/2006 have been fully considered but they are not persuasive.

Regarding claim 8, the applicant presented the argument that the reference by Geva fails to teach, "the control portion selects the information that

Art Unit: 2617

respectfully disagrees with the arguments presented by the applicant. Geva clearly discloses such limitation in Col. 8, lines 21 – 27 and Col. 9, lines 14 – 30, whereas data stored in RAM memory may be transmitted immediately or at a later time to a central medical monitoring station and also the event recording mode can transmit information either at the beginning, during or at the conclusion of the testing based on user preference.

9. Applicant's arguments with respect to claims 14 – 17, 19 – 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2617

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

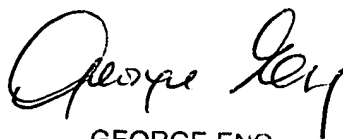
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Un C Cho
Examiner
Art Unit 2617

9/1/06 *ve*


GEORGE ENG
SUPERVISORY PATENT EXAMINER